

Attorney Docket No.: 2001P14044WOUS

REMARKS

The Office Action dated May 3, 2005, has been noted and its contents carefully studied.

In light of the foregoing amendments, entry of the amendments and reconsideration of the Rejection under 35 USC §102 in light of the newly cited reference is courteously requested.

Turning initially to the amendments presented herein, the new claims should be entered as of right, because 1) they merely place subject matter which the Examiner has already indicated is allowable in independent claim form, and 2) they only introduce new claims which have already been presented as dependent from Claim 1, either directly or indirectly. The new claims now depend from new Claim 13, which is allowable as of right, because Claim 13 is allowable Claim 8 rewritten in independent form. The Examiner indicated that Claim 8 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Accordingly, entry of the new claims and Amendments is courteously requested.

Turning now to the invention as presented in its various aspects, Claim 1 recites an insert for a door storage compartment. The insert is defined as including a frame enclosing at least one chamber and having a first side and an attachment device disposed at the first side. The attachment device is provided for attaching to the door storage compartment. The frame has a second side with at least one indentation formed therein for fixing an object outside of the frame.

In an alternative aspect, the invention relates to a door storage compartment for a refrigerator, which includes a door

Attorney Docket No.: 2001P14044WOUS

storage body and an insert containing the afore-described frame.

In one more specific aspect, the frame is flexible at least in an area of its second side. Further, as recited in Claim 5, the frame forms at least two chambers and includes a web separating the two chambers from one another with the web connected to only one of the first and second sides. Claim 7 calls for the web being connected to the indentation formed in the second side.

It is respectfully urged that the claimed invention is not anticipated by or obvious from the cited references as will become more clearly evident from the following detailed discussion of the sole reference presented herein for the Examiner's kind consideration.

U.S. Patent No. 1,666,652 to Hiering

U.S. Patent No. 1,666,652 to Hiering (hereinafter "Hiering") discloses a cabinet designed for permanent insertion into the walls of structures, particularly vehicles whereby common articles of personal adornment are retained in a conveniently accessible manner (page 1, lines 1-6). A cover is mounted on the cabinet and has flanged edges to engage the walls of the cabinet (page 1, lines 65-66). There is provided an intermediate plate 25, which is outwardly pouched at the middle of its length and is connected to a hinge arrangement such as to permit the cover to be swung out partially outward, engage the plate and cause the same to swing outwardly with the ultimate position of the plate being substantially half the angle presented by the cover (page 1, lines 74-88).

A rear plate has flat surfaces 32 at its end portions and has formed at its end extremities, forwardly bent elements 33 with endturned guides 34 connecting a centrally bowed element

Attorney Docket No.: 2001P14044WOUS

35 opposite the forwardly pouched element 26. The bowed element 35 is open at the top and provided with a partial bottom such that three separate compartments are created by the combination of the rear plate and intermediate plate fixed together.

It is respectfully urged that this construction has nothing to do with Applicants' claimed invention, which provides an insert for a door storage compartment for a refrigerator in which the insert includes the frame enclosing at least one chamber and having a first side and an attachment device disposed at the first site. It is important to appreciate that the frame has a second side with at least one indentation formed therein for fixing an object located outside the frame. There is no corresponding structure in Hiering and it is only after a hindsight and improper interpretation of the reference that the Examiner has been able to apply the reference to reject the claims. More specifically, the rear plate has two flat sections with a central bowed section 35. The connection points between the two flat sections and the central bowed section 35 do not result in an indentation for fixing an object located outside of the frame.

Yet still further, it is noted that the toilet-accessory cabinet of Hiering is made of sheet metal with no flexibility to provide an unusually firm structure (page 1, lines 7-12). As such, there is nothing in Hiering, which teaches or suggests a flexible frame as in Claim 3. Yet still further, Hiering fails to teach or suggest a web separating two chambers from one another with the web connected to only one of the first and second sides as stated in Claim 5.

Assuming arguendo that the connection between the rear plate and the intermediate plate could be considered as being

Attorney Docket No.: 2001P14044WOUS

done through webs, it is noted that there is a fixed connection through endturn guides 34 and the forwardly pouched element 26, thus failing to teach or suggest the features of Claims 5 and 6. Yet still further, as provided in Claim 7, since there is no indentation in Hiering, the feature of a web connected to indentation formed in a second side as set forth in Claim 7 is clearly not taught or suggested by Hiering.

For the foregoing reasons, it is respectfully urged that all of the claims clearly define patentable subject matter under 35 USC §102 and/or §103. Further, the amendments to the claims should be entered as a matter of right since they merely place in condition for allowance the subject matter of a dependent claim indicated allowable, and merely introduced new claims which duplicate claims previously in the application, but which now depend from allowable claim 13.

Should the Examiner have any questions, she is courteously requested to contact the undersigned.

John T. Winburn

Name of Attorney Signing

Under 37 CFR 1.34



Respectfully submitted

John T. Winburn

Registration No. 26,822

October 3, 2005

BSH Home Appliances Corp.
100 Bosch Blvd
New Bern, NC 28562
Phone: 252-636-4397
Fax: 714-845-2807
john.winburn@bshg.com